

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF ROBERT C.) APPEAL NO. 06-A-2523
LUTON from the decision of the Board of Equalization of) FINAL DECISION
Kootenai County for tax year 2006.) AND ORDER

VACANT LAND APPEAL

THIS MATTER came on for hearing December 13, 2006, in Coeur d'Alene, Idaho, before Hearing Officer Steven Wallace. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Appellant did not appear at hearing. Assessor Mike McDowell, Residential Appraisal Manager Darin Krier and Residential Appraisers Ken Merwin and Shane Harmon appeared for Respondent Kootenai County. This appeal is taken from a decision of the Kootenai County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. 029050070810.

The issue on appeal is the market value of vacant land.

The decision of the Kootenai County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$425,000. Appellant requests the land value be reduced to \$200,000.

The subject property is a vacant parcel located in a rural subdivision on the east side of Lake Coeur d'Alene. Subject is part of new subdivision and many of the lots were pre-sold before the development was completed. Many luxurious amenities are planned for this gated community, including an 18 hole golf course (subject is a golf course lot), private clubhouse, and an 80+ boat slip full service marina.

Information from the record indicated Appellant purchased subject for the benefit of a guaranteed membership to the golf club. The development lacked completed roads, and

sewer or water connections. At the time of purchase, Appellant considered the development and golf course about 15% complete. The purchase price was for a finished product which did not exist at that time. According to Appellant, the value of the property was less than the purchase price until the improvements are completed.

The Assessor explained 158 lots were sold in an unfinished condition and not introduced to the open market. Twenty eight verified, vacant land sales from subject's subdivision were used in the Assessor's sales analysis. The sales ranged in size from .371 acres to 1.332 acres. Subject is .603 acres. The time adjusted sale prices were \$225,150 to \$1,134,000. Subject's assessed value is \$425,000. According to the Assessor the lots sold were not advertised or exposed to the general public and were pre-sold before development began.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

A proper determination of the market value of taxable property should involve an analysis of multiple factors including the actual cost of the property and its actual sale value. Merris v. Ada County, 100 Idaho 59, 593 P.2d 394 (1979).

It is not what an expert thinks is the proper method of valuation or what is the best method, but is the method used by the assessor legitimate, fair and reasonable. Abbott v. State Tax Commission, 88 Idaho 200 at 206, 398 P.2d 221 (1965)

It is apparent subject and neighboring lots were not offered on the open market. At the time of sale subject subdivision amenities were not finished as Appellant wrote.

The County analyzed 28 verified sales comparable to subject within subject subdivision. We find these sales support the assessed value of subject, and the appraisal method used by the assessor was legitimate, fair and reasonable.

Considering the evidence presented, the Board concludes the Assessor has supported the assessed value of subject, and the Board affirms the decision of the Kootenai County Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Kootenai County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

DATED this 27th day of April, 2007.